Department of Revenue

OFFICE Board of Revenue.

STATION Madras.

O.S. F. File No.	1437
Dated	30. 5-40.

C.F. 4

Pages in the file N.F. 4.

(SUBJECT.)

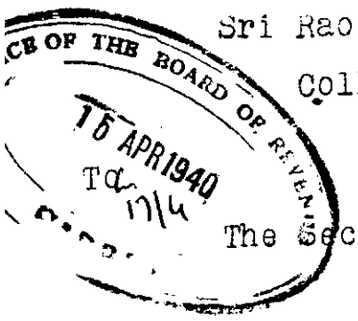
Assignment - land (Santa Kamara)
Tk. & Town - S. no. 364/21 (0-47
Special Lanseite grant - Cancel
breach of conditions - recovery of
Suit filing - Compromise proposal -
Sanction - approved.

B1/18

Ref.A5.6797/39. South Kanara Collector's Office,
Mangalore, 12th April 1940.

From

Sri Rao Bahadur V. Ponnuswami Pillai,
Collector of South Kanara.



The Secretary to the
Board of Revenue,
M a d r a s.

Sir,

Assignment - Land - Karkal Taluk - Karkal village - S.No.364/21 - Special House & site grant - cancellation for breach of condition - recovery of possession - proposa for a compromise - permission - Request.

Reference: B.P.Mis.No.3692/39, dated 21.12.39.

The Board in its proceedings cited above sanctioned the institution of a suit for the recovery of possession of S.No.364/21 of Karkal village the assignment of which was cancelled for breach of condition of the grant. The Pleader for Government, Karkal who was asked to file the suit suggested that the matter might be settled out of court on a just and equitable basis without loss to Government and the protracted litigation in the Civil Court ---- avoided. He has put forward two alternative proposals from the auction purchaser for a compromise viz., that he would surrender possession if the Government paid him the purchase money paid by him at the court auction and also compensation for the improvements effected by him after the purchase or that he may be allowed to purchase the on payment of a reasonable sum as site value which he put down as Rs.25/-. The first proposal was rejected as unacceptable. As regards the second, the Government Pleader, Mangalore is of opinion that the auction purchaser is not legally entitled to any compensation for

the improvements made by him as he must be presumed to have known the limitations of the grant and the nature of the right he purchased. I agree with him but consider that there is no objection to assign the land on payment of its market value as no public interest will be affected thereby. The Revenue Divisional officer, Coondapoor after ------ personal inspection of the locality, has valued the land at Rs.150/- an acre. As the plot in question measures 47 cents the site value at the rate proposed by the Revenue Divisional officer works out to Rs.70. The Pleader for Government, Karkal, reports that the auction purchaser is willing to have the plot on payment of site value proposed by the Revenue Divisional officer, Coondapoor. I request the Board's sanction for the proposed compromise.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..	30/5	MO
When copied ..	31/5	dh/
When examined..		
When signed ..		
When despatched.		

SUBJECT :— Assignment - land (South Kanara) - Karkal Th. & Town - S. no. 364/21 (0-47 acre) - special kanaeika grant - cancellation for breach of conditions - recovery of possession suit - filing - proposal for compromise - Collrs. suggestion approved.

READ AGAIN _____, dated _____ 19

" " _____ " _____ 19

READ *ALSO* :—

No. _____ From the Collr. of S. Kanara, No. _____, dated _____ 19 Dis. no. D3-6797

" _____ " B1718-40 - Collr. of S. Kanara " 7-39 d." 12-4-40. 19

" _____ " _____ " _____ " _____ 19

~~Order~~ / Resolution ~~Rout.~~ Ms. No. 1437, dated 30 - 5 - 1940.

The Board approves the Collr's. proposal to assign S. no. 364/2 of Karkal Village (0-47 acre) to the sale purchaser after collecting its market value at the rate of Rs. 150 per acre.

Rm 29/5

Cn 27/5 40.

18/28/5

The Collr. of S. Kanara

Assignment- land (Sanctn Kanara)
Karkal Dt. + Town. (R.) S.no. 364/21
(0-47 acs) - Special Lease- Site grant
Cancellation for breach of Conditions
recovery of possession - Suit - Filing / Compromise
proposal - Board's Sanction - request
B1718-40 - Corr. of S. Kanara Dept.
A3-6797-39 d. 12-4-40

The Board in its Proc.
No. no. 3692 d. 21-12-39 accorded
sanction for the filing of a suit for
recovery of possession of S.no. 364/
(0-47 acs) of Karkal town from a
K. P. Abdul Kareem Sahib who had
got it attached under a court decree
for debts due to him by the
assignee, Hussain Beary and purchased
himself in the auction sale held in
the Karkal Dt. Munsif's Court. As there
was a breach of one of the conditions
of the grant (in that the property
ceased to be owned by the assignee
(Hussain Beary) owing to Sale in
process of law within a period of ten
years from the date of the grant (i.e.
30-6-36) the RDO Coondapoor resumed
the grant. But peaceful possession
the latter could not be obtained as

B7 c! (L)

References:
B.P. Pro. 3692 d.
21-12-39 (L)

the purchaser (Abdul Kareem) had leased the house to a Booda Poojari and the latter refused to vacate it. Hence the Collr. recommended the filing of a suit and the Board sanctioned

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The Collr. now states that the defendant (K.P. Abdul Kavee has put forward proposals for a compromise through the Pleader, doing Govt. work at Kasaragod on the two following terms

1. That he would surrender possession if Govt. paid him the purchase money and also Compensation for the improvements effected by him after the purchase and

2. That he may be allowed to purchase the site on payment of a reasonable sum as site value.

The Collr. rejected the first proposal As regards the second he considers that there is no objection to the assessment of the land on payment of market value. He states that the R.D.C., Coondapoor has valued the land at Rs. 150 per acre and the defendant is willing to pay the sum of Rs. 70/8 being the value of the

~~Full Board.~~ single Member.

I.A.	A.D.S. and L.R.	Assistant Secretary			Jt. Secy.	Secy.	M-4	M-3	M-2	M-1
		Land Rev.	Settle-ment.	Sep Rev.						
		✓							✓	

1. Open file seen by ;
2. Final draft seen by ✓
3. Now circulated to
4. Initials.

Passed for record.

Secretary.
Joint Secretary.

~~A.S. (C.W.).~~

A.S. (L.R.). 8/1.6

~~A.S. (Sett.)~~

A.S. (Excise).

A.D.S. & L.R.

~~I.A.~~

Note:- Entries not required to be scored out.